

charge such a fee to our Deposit Account No. 02-4467. A duplicate of this sheet is enclosed.

### REMARKS

The Notice mailed on June 5, 2002 (a copy of which is attached as Exhibit A) asserts the following:

"The U.S. Patent and Trademark Office has received your reply on 05/10/02 to the Notice to File Missing Parts (Notice) mailed 03/06/02 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

- The signature of the following inventor(s) is missing from the oath or declaration: *Dirk Kostrewa, Luis Pasamontes*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

Initially, we note that the Notice to file Missing Parts mailed on March 6, 2002 (a copy of which is attached as Exhibit B) did *not* require the signatures of the inventors Dirk Kostrewa and Luis Pasamontes. Accordingly, the assertion made by the Notice is groundless and should be withdrawn.

Moreover, the copy of the Declaration and Power of Attorney ("Declaration") as originally filed with the above referenced Divisional Application is properly executed by Dirk Kostrewa and Luis Pasamontes. Attached hereto as Exhibit C is a copy of the Declaration as originally filed on February 1, 2002 and a copy of the date stamped postcard which serves as *prima facie* evidence of receipt of the executed Declaration. MPEP §503. In addition, Mr. Wallace indicated during the teleconference

of June 10, 2002, that according to his records, a properly executed Declaration, including the signatures of both Dirk Kostrewa and Luis Pasamontes, had been received by the Patent and Trademark Office along with the originally filed Divisional Application.

For the reasons set forth above, we respectfully request that the Notice be withdrawn. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being transmitted to the United States Patent Office via facsimile transmission at (703) 308-1202 and addressed to the Commissioner for Patents, Washington, DC 20231, on June 19, 2002.

  
Gonzalo Merino

Respectfully submitted,

By: 

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